

The Honorable Marsha J. Pechman

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SAMMAMISH HOMEOWNERS, TOM
HORNISH, TRACY AND BARBARA
NEIGHBORS, ARUL AND LUCY
MENEZES, HEBERT MOORE AND
ELYNNE MOORE, AND LUCRETIA
VANERWENDE,

Plaintiffs,

vs.

KING COUNTY, a home rule charter county,

Defendants.

No. 15-CV-0028MJP

MOTION FOR LEAVE TO FILE
AMENDED COMPLAINT FOR
DECLARATORY RELIEF, TO QUIET
TITLE, AND FOR AN INJUNCTION

NOTE ON MOTION CALENDAR:
April 24, 2015

COME NOW Plaintiffs and hereby move this Court to allow Plaintiffs to amend their Complaint to add 57 additional Plaintiffs, add the City of Sammamish as an additional Defendant, and to add Count III for an injunction. Plaintiffs First Amended Complaint is attached hereto as Exhibit A. In support of this motion, Plaintiffs state as follows:

1. Additional property owners who own land adjacent to and abutting the formal railroad corridor that is being used by King County as a hiking and biking path

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RODGERS DEUTSCH & TURNER, P.L.L.C.
Attorneys At Law
Three Lakes Bellevue Dr. Suite 100
Bellevue, Washington 98005-2440
Tel. (425)455-1110 Fax (425)455-1626

1 wish to join in this lawsuit. The 57 additional landowners will suffer the same harm as
2 alleged by the current Plaintiffs.

3 2. King County alleges to have legal rights in Plaintiffs' land, and intends
4 to usurp Plaintiffs' rights in their land, including the intention to widen a current hiking
5 and biking path, which King County has no legal right to do and King County has
6 applied for a permit from the City of Sammamish in order to allow widening of the
7 hiking and biking path.
8

9 3. The City of Sammamish has no legal right to issue any permit to widen
10 the hiking and biking path because it would infringe on Plaintiffs' fee ownership of the
11 land.

12 4. King County publically alleges to have rights and publically alleges their
13 intention of widening the hiking and biking path, and the threat of widening the current
14 hiking and biking path is an immediate threat to invade Plaintiffs' ownership and use of
15 their property.
16

17 5. If the hiking and biking path is widened, Plaintiffs' will suffer from
18 actual and substantial injury, including flooding, the loss of trees, and the damage of
19 extremely close proximity of the hiking and biking trail substantially close to their
20 homes, as well as other injury to their properties.

21 Therefore, Plaintiffs request leave to amend their Complaint to add additional
22 Plaintiffs, to add the City of Sammamish as an additional Defendant, and to add an
23 additional count to the Complaint in order to request this Court to enjoin the City of
24 Sammamish from issuing any permits for widening of the current hiking and biking
25

1 path, as well as enjoin King County from continuing any work on the current hiking
2 and biking path until this Court resolves the ownership interests in the underlying fee.

3 Respectfully submitted,

4 Date: April 13, 2015.

BAKER STERCHI COWDEN & RICE, L.L.C.

5 By /s/ Thomas S. Stewart

6 Thomas S. Stewart
7 2400 Pershing Road, Suite 500
8 Kansas City, MO 64108
9 Telephone: (816) 471-2121
Facsimile: (816) 472-0288
stewart@bscr-law.com

10 AND

11 RODGERS DEUTSCH & TURNER, P.L.L.C.
12 Daryl A. Deutsch, WSBA No. 11003
13 Rodgers Deutsch & Turner, P.L.L.C.
14 3 Lake Bellevue Dr. Suite 100
15 Bellevue, WA 98005
Telephone (425) 455-1110
Facsimile (425) 455-1626
daryl@rdtlaw.com

16 **ATTORNEYS FOR PLAINTIFFS**

17 **CERTIFICATE OF SERVICE**

18 I hereby certify that on the 13th day of April 2015, the foregoing was filed
19 electronically with the Clerk of the Court to be served by the operation of the Court's
electronic filing system upon all parties of record.

20 Andrew W Marcuse
21 David J. Hackett
22 King County Prosecuting Attorney, Civil Division
23 500 4th Avenue, Suite 900
24 Seattle, WA 98104-5039
andrew.marcuse@kingcounty.gov
david.hackett@kingcounty.gov
25 *Attorneys for Defendant King County*

/s/ Thomas S. Stewart

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